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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 JESSE ROSENFELD, ) NO. CV 11-7002-DOC(E)  
12 Plaintiff, )  
13 v. ) ORDER ACCEPTING FINDINGS,  
14 THOMAS MASTIN, ET AL., ) CONCLUSIONS AND RECOMMENDATIONS  
15 Defendants. ) OF UNITED STATES MAGISTRATE JUDGE  
16 \_\_\_\_\_ )  
17

18 Pursuant to 28 U.S.C. section 636, the Court has reviewed the  
19 Third Amended Complaint, all of the records herein and the  
20 attached Report and Recommendation of United States Magistrate  
21 Judge. The Court accepts and adopts the Magistrate Judge's Report  
22 and Recommendation.  
23

24 IT IS ORDERED that: (1) Plaintiff's Second, Fourth, Fifth  
25 and Sixth Causes of Action are dismissed without prejudice;  
26 (2) Defendants Prado and Uyeno's motion for summary judgment is  
27 granted on Plaintiff's First Cause of Action; (3) Defendants  
28 Fraser and Mastin's motion for summary judgment is granted on

1 Plaintiff's Third Cause of Action; and (4) Defendant Fraser's  
2 motion for summary judgment on Plaintiff's First Cause of Action  
3 is denied.

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5 IT IS FURTHER ORDERED that the Clerk serve forthwith a copy  
6 of this Order and the Judgment of this date on Plaintiff.

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8 DATED: October 15, 2013.

9  
10 *David O. Carter*

11 DAVID O. CARTER  
12 UNITED STATES DISTRICT JUDGE  
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